

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 26022A Permit 17960A License

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND CORRECTING THE PERMIT**

WHEREAS:

1. Permit 17960A was issued to Laughlin Way Vineyards - A Limited Partnership on August 11, 1980, pursuant to Application 26022A.
2. Permit 17960A was subsequently assigned to Mark H. Trione, Catherine L. Trione, and Victor S. Trione, Trustees.
3. A petition for an extension of time has been filed with the State Water Resources Control Board.
4. The place of use was incorrectly stated in the August 26, 1988 order.
5. Permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1997

(0000008)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2004

(0000009)

3. The Place of Use under this permit shall be corrected as follows:

34 acres within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, T17N, R12W, MDB&M
34 acres within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12W, MDB&M
30 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12W, MDB&M
25 acres within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12W, MDB&M
12 acres within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12W, MDB&M
25 acres within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T17N, R12W, MDB&M
7 acres within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T17N, R12W, MDB&M
167 Acres Total

(0000004)

Dated: NOVEMBER 22 1994



for Edward C. Anton, Chief
Division of Water Rights

NOTICE OF ASGD; 7/16/90
App:26022 A&B to:Mark H. Trione,
Per:17960 A&B Catherine L Trione,
Victor S. Trione(Trustees)

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26022A

PERMIT 17960A

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE,
CHANGE IN PURPOSE OF USE,
PLACE OF USE AND AMENDING THE PERMIT

WHEREAS:

1. Permit 26022A was issued to Laughlin Way Vineyards-A Limited Partnership on August 11, 1980 pursuant to Application 26022A.
2. Permit 26022A was subsequently assigned to Blanc Vineyards.
3. A petition for extension of time within which to develop the project and apply the water to the proposed use and a petition to change the place of use have been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said change.
5. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to standard permit term 12 as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1990 (0000009)

2. Condition 3 of the permit regarding the purposes of use be amended to read:

Frost Protection, Heat Protection and Irrigation

3. Condition 12 of the permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may

include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

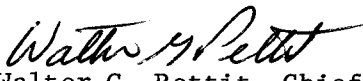
The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

4. The Place of Use under this permit shall be amended as follows:

34 acres within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, T17N, R12E, MDB&M
34 acres within the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12E, MDB&M
30 acres within the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12E, MDB&M
25 acres within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12E, MDB&M
12 acres within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, T17N, R12E, MDB&M
25 acres within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T17N, R12W, MDB&M
7 acres within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 32, T17N, R12W, MDB&M
167 Acres Total

Dated: AUGUST 26 1988


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17960A

Application 26022A of Laughlin Way Vineyards - A Limited Partnership Over
1960 Swan Drive, Costa Mesa, California 92626

filed on June 12, 1979, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed Stream

West Fork Russian River thence
Russian River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
<u>Storage in Unnamed Reservoir</u> <u>S910 ft and E340 ft from Center</u> <u>of Section 31</u>	<u>NW 1/4 of SE 1/4</u>	<u>31</u>	<u>17N</u>	<u>12W</u>	<u>MD</u>

County of Mendocino

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
<u>Frost Protection</u>	<u>NW 1/4 of SE 1/4</u>	<u>31</u>	<u>17N</u>	<u>12W</u>	<u>MD</u>	
	<u>SW 1/4 of NE 1/4</u>	<u>31</u>	<u>17N</u>	<u>12W</u>	<u>MD</u>	
	<u>SE 1/4 of NE 1/4</u>	<u>31</u>	<u>17N</u>	<u>12W</u>	<u>MD</u>	
					<u>TOTAL</u>	<u>75</u>

The place of use is shown on map filed with the State Water Resources Control Board.

P17960A

2-28-86 Ownership chgd to Blanc Vineyards, A. Partnership

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 49.5 acre-feet per annum to be collected from January 1 to May 15 of each year as follows: 24.5 acre-feet per annum in the unnamed reservoir and replenishment of 25 acre-feet per annum.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Said construction work shall be completed on or before December 1, 1983. (0000008)

9. Complete application of the water to the proposed use shall be made on or before December 1, 1984. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. The State Water Resources Control Board reserves jurisdiction over this permit to impose any appropriate conditions at some future date to conform the permit to Board policy on use of water for frost protection. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0000020)

15. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. (0050043)

16. For the protection of fish and wildlife, permittee shall during the period: (a) from January 1 through February 29 bypass a minimum of 1 cubic foot per second. (b) from March 1 through April 30 bypass a minimum of 0.2 cubic foot per second. The total streamflow shall be bypassed whenever it is less than the designated amount for that period. (0140060)

17. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

18. In accordance with Section 1603 of the Fish and Game Code, no water shall be diverted under this permit until the Department of Fish and Game has determined that measures necessary to protect fishlife have been incorporated into the plans and construction of such diversion. The construction, operation, or maintenance costs of any facility required pursuant to this provision shall be borne by the permittee. (0000063)

19. The total quantity of water diverted under this permit, together with that diverted under permit issued pursuant to Application 26022B, shall not exceed 200 acre-feet per year. (0000114)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUGUST 11 1980

STATE WATER RESOURCES CONTROL BOARD

L. C. Spencer, Jr.
Chief, Division of Water Rights